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Chairman:	Mr. Majoor	(Netherlands)
later:	Ms. Seanedzu (Vice-Chairman)	(Ghana)
later:	Mr. Majoor (Chairman)	(Netherlands)

Contents

Agenda item 58: Report of the Human Rights Council

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The meeting was called to order at 3.10 p.m.

Agenda item 58: Report of the Human Rights Council (A/63/53 and Add.1; A/C.3/63/1/Add.1)

1. **Mr. Uhomoibhi** (Nigeria), President of the Human Rights Council, introduced the annual report of the Council (A/63/53 and Add.1). The Council had established new mechanisms and subsidiary bodies, undertaken the process of review, rationalization and improvement of special procedures, agreed on the modalities for the universal periodic review, and subsequently reviewed the situation in 32 countries. It had established new mandates focusing on economic, social and cultural rights, held panel discussions and continued its human rights standard-setting activities. It had also held three special sessions and pledged its commitment to continue to work in a constructive manner with the Office of the United Nations High Commissioner for Human Rights.

2. The Human Rights Council Advisory Committee had held its inaugural session in August 2008 and had commenced work on a number of thematic issues. The mandates of three important subsidiary bodies of the former Subcommission on the Promotion and Protection of Human Rights had been continued. The mandate of the Social Forum as a platform for dialogue between the United Nations human rights machinery and stakeholders, including grass-roots organizations, had been enhanced; it had held its first session in September 2008. The work of the Subcommission's Working Group on indigenous peoples would be continued by an expert mechanism on the rights of indigenous peoples which had met in October 2008. The Forum on Minority Issues, expected to meet for the first time in December 2008, would replace the Subcommission's Working Group on Minorities.

3. The draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had been adopted and a new special procedure, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, had been established. The Council's seventh special session had for the first time been devoted to a thematic issue, the effect of the food crisis on right to food. The Council had also established the modalities for thematic panel discussions with experts, national human rights institutions and civil society. The universal periodic review had begun, with 32 countries having been considered to date.

4. Review of the Council's special procedures had likewise continued; 24 country and thematic mandates had been reviewed. A number of mandate-holders had been appointed or had their mandates renewed. Due consideration had been given to regional and gender balance in appointing them. In accordance with its mandate to deal with events constituting serious human rights violations, the Council's fifth and sixth special sessions had been devoted respectively to the situation of human rights in Myanmar and human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the Gaza Strip. The Council had interacted with a wide range of stakeholders in recognition of the crucial contribution their views made to enriching its work.

5. He drew attention to two important texts arising out of the Council's ninth session, which required the urgent attention of the General Assembly. Resolution 9/18, on follow-up to resolution S-3/1: human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun, recommended that the report of the high-level fact-finding mission on Beit Hanoun should be considered by the General Assembly with the participation of the members of the mission. Decision 9/103, on strengthening of the Human Rights Council, requested the Secretary-General to prepare a report on the resources required to ensure the provision of necessary services to the Council, including webcasting of all proceedings of its working groups, and recommended that the General Assembly should ensure the establishment of an Office of the President of the Human Rights Council with adequate resources, in order to facilitate access and communication between the Council and the Member States and observers, including those with no permanent mission in Geneva.

6. As the Organization's principal human rights body, the Council had heard updates on the regional meeting to be held in Brasilia and Abuja to prepare for the Durban Review Conference, scheduled to take place in Geneva in April 2009. The Council would also hold a commemorative session on the sixtieth anniversary of the Universal Declaration of Human Rights on 12 December 2008. He was confident that the review and renewal of the Organization's human rights machinery had put the Council in a better position to protect and promote human rights. The

Council was committed to continuing to strengthen United Nations human rights mechanisms and promote human rights. With the cooperation of all stakeholders, it would be able to hold Member States to the highest standards of human rights, in keeping with the commitment made by them in establishing the Human Rights Council.

7. **Mr. Delacroix** (France), speaking on behalf of the European Union, said that, pursuant to the General Assembly's decision according to which the Third Committee would consider and act on all recommendations of the Human Rights Council, he would refer only to those recommendations, and deal more fully with the report, including coverage of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in the plenary Assembly.

8. Much remained to be done to promote economic, social and cultural rights, which were a necessary complement to civil and political rights. Across the world the right to education, health and food continued to be denied. The European Union attached great importance to economic, social and cultural rights. Its members had been active in the negotiation of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, would support the adoption of that Protocol by the General Assembly, as recommended by the Human Rights Council, and hoped it would be adopted by consensus.

9. **Mr. Rachkov** (Belarus) said that the Human Rights Council was equipped with more rights-protection mechanisms than the Commission on Human Rights had had. It would therefore play a more active role in defending human rights and would have a broad coordinating function within the United Nations human rights system. So far, 32 countries had undergone the universal periodic review. No leaders or stragglers in human rights had been discovered; all of the States which had undergone the process, least developed countries and "old" democracies alike, had been given serious "homework" to do over the next four years.

10. The issue of new forms of cooperation between the Council, on the one hand, and the Office of the High Commissioner for Human Rights and the Third Committee, on the other, was one whose time had come. There should be closer coordination in developing and implementing the programme activity of the Office of the High Commissioner. It was unacceptable for programme parameters and areas to be determined without involvement by the recipient Governments.

11. The Human Rights Council had been founded in response to the inability of the Third Committee to carry out effective and competent international human rights monitoring. The international community was weary of politically motivated country resolutions which had nothing to do with human rights. The Human Rights Council should monitor the implementation of human rights standards. It had all the relevant tools at its disposal, including the universal periodic review. The Third Committee, meanwhile, should continue to develop human rights norms.

12. **Mr. Amorós Núñez** (Cuba) said that consideration of the report of the Human Rights Council should reflect the frank dialogue based on respect and cooperation, which characterized the work of the Council, unlike the hypocrisy, double standards and selectivity that had characterized the work of the Commission on Human Rights. He hailed the establishment of the Council as a victory for the Non-Aligned Movement but cautioned that the true test of success in promoting genuine enjoyment of human rights for all would be the success or failure of the universal periodic review.

13. In considering the human rights situation in each Member State, the Council must show itself to be objective and impartial, without regard to the influence of any State. The Council must not repeat the errors of the past and become a mechanism standing in judgement over the countries of the South while ignoring greater human rights violations by other countries. States that had bitterly attacked the Council because they had lost their position of privilege should be more humble and reflect on the fact that the world was changing.

14. His Government had strengthened its cooperation with the Organization's human rights mechanisms. It would undergo the universal periodic review in 2009, and he reiterated his delegation's commitment to cooperate with the Council and its procedures in the area of universal and non-discriminatory human rights based on strict respect for its national sovereignty.

15. He supported the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. He welcomed the holding of the

Council's special session on the urgent issue of the effect of the world food crisis on the realization of the right to food for all, the establishment of the Human Rights Council Advisory Committee and the enhancement of the mandate of the Social Forum. As the Organization prepared to celebrate the sixtieth anniversary of the Universal Declaration of Human Rights, he reiterated his delegation's commitment to building a world based on justice, freedom and equality for all.

16. **Mr. Kim** Pil-woo (Republic of Korea) said that 2008 had marked the first year of the full functioning of the Human Rights Council. In spite of a sincere effort to address a wide range of issues, including institutional review, the Council's work had met with mixed reviews. He said that the universal periodic review, however, provided an unprecedented opportunity to take stock of States' human rights situations in their entirety and on an equal footing. Genuine cooperation and dialogue would be key elements in ensuring the effectiveness of that process. His delegation was optimistic that the review would result in improvements in the human rights situation in each Member State.

17. The broad-based consultations necessary for the preparation of national reports helped States identify remaining challenges to the full enjoyment of human rights and provided an opportunity for promoting an increasingly active role for civil society and national human rights institutions. Close coordination with stakeholders would likewise be of vital importance during follow-up to the universal periodic review. His delegation would continue to support that mechanism and play an active role in international efforts to ensure that it provided real added value to the promotion and protection of human rights worldwide.

18. The special procedures played a pivotal role in the activities of the Council. Those mechanisms should be strengthened with a view to ensuring that they complemented each other. In that context he stressed that the review of those mechanisms should bear in mind first and foremost the victims and the situation on the ground. The Council should for example continue to address in a systematic manner gross and constant violations of human rights by specific countries; the most effective tool currently available in that regard continued to be the country-specific mandates.

19. **Mr. Ashiki** (Japan) said that the report of the Human Rights Council should be submitted directly to the plenary Assembly. Discussions should not be reopened in the Third Committee. The organs had complementary roles to play: the Council worked to promote cooperation to respond to large-scale human rights violations flexibly, while the Third Committee was a universal forum open to all Member States.

20. Japan had undergone the universal periodic review in May 2008, and hoped that the review would become an effective instrument for promoting and protecting human rights. Japan also hoped that the Council would fulfil its potential and provide prompt, appropriate responses to massive, grave human rights violations. The Office of the High Commissioner for Human Rights should be strengthened so that it could work more effectively to improve human rights on the ground.

21. **Ms. Sobhan** (Bangladesh) said that the creation of the universal periodic review was one of the most significant innovations in the field of human rights. Its universality was its greatest strength, with all countries facing scrutiny regardless of their region, size or influence. It would make controversial country resolutions a thing of the past. The credibility of the United Nations human rights system depended upon satisfactory implementation of the review. With the active participation of Member States and the proper implementation of its recommendations, human rights situations around the world would be improved.

22. While the Human Rights Council appeared to be moving in the right direction, it could ill afford to make any false steps. It must constantly take stock of its operations and maintain high standards. Unnecessary proliferation of new mandates should be avoided, as should granting undue importance to a particular issue or thematic area. The special procedures should be viewed as a whole to see where there were gaps or overlaps. A piecemeal approach should be avoided, and loopholes should not be used to introduce controversial issues which might hinder progress.

23. The relationship between the Office of the High Commissioner for Human Rights and the Human Rights Council remained unresolved. Synergy and complementary action were called for.

24. **Ms. Blum** (Colombia) said that her delegation hoped that the commitments flowing from the universal periodic review would lead to concrete progress in promoting human rights worldwide. On a voluntary basis, and as a manifestation of transparency, political

will and cooperation, Colombia had requested to undergo the review and had submitted a national report in September 2007 that had been drafted following extensive consultations.

25. The universal periodic review had helped Colombia identify actions that would complement Government policies aimed at promoting and protecting human rights. In particular, the democratic security policy had established zero-tolerance for human rights violations, and the effectiveness of Government offices had been strengthened. Colombia believed that constructive dialogue and international cooperation would support those policies. Her delegation hoped that the Human Rights Council, guided by the principles of universality, impartiality, objectivity and non-selectivity, would strengthen the United Nations in promoting human rights in all regions of the world.

26. **Mr. Benmehidi** (Algeria) voiced concern at the continuing lack of a clear practice regarding the allocation of the report of the Human Rights Council. Each session, the matter was left until the last moment and decided provisionally, with the outcome varying from year to year, depending on the content of the report. That approach did little to encourage consistency pending the revision of the bylaws of the Human Rights Council in 2010.

27. Algeria had been one of the first countries to undergo the universal periodic review and had benefited from the frank dialogue and the recommendations received. In the same spirit, it had been involved in considering the reports of other countries which had also undergone the process. The review had already demonstrated its potential for promoting and protecting human rights.

28. The adoption by the Human Rights Council of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which would give those rights the same status as civil and political rights, was a welcome step. It was appropriate that the adoption coincided with the sixtieth anniversary of the Universal Declaration of Human Rights and the fifteenth anniversary of the Vienna Declaration.

29. **Mr. Saeed** (Sudan) said that the establishment of the Human Rights Council had inaugurated a new era of even-handedness in which economic, social and cultural rights would be accorded their due alongside civil and political rights. In particular, it was important to address such issues as the right to development, defamation of religions, and respect for cultural diversity. He called on the Office of the United Nations High Commissioner for Human Rights (OHCHR) to support implementation of the universal periodic review. His country would submit its report under that mechanism in 2011. He welcomed the Council resolution on the human rights situation in the Occupied Palestinian Territory endorsing the recommendations of the high-level fact-finding mission on Beit Hanoun, which was delayed owing to the non-cooperation of Israel.

30. The Committee's relationship with the Council should not be clouded by the negotiations that preceded its establishment. His country had signed numerous human rights instruments, and had earned international praise for its efforts to cooperate with international human rights mechanisms.

31. **Mr. Zainuddin** (Malaysia) said that a large majority of United Nations Member States supported the Human Rights Council and were seeking to ensure that it avoided the double standards and politicization of the Commission on Human Rights. While some Member States had doubts about the value of the Council, they should allow it to develop rather than deride it. Most Member States were uncomfortable with country-specific resolutions, and the universal periodic review was a good alternative. An Office of the President of the Human Rights Council should be established and provided with the necessary resources.

32. The right to development should be central to the work of the Human Rights Council. Millions of people continued to languish in a cycle of underdevelopment, poverty and hunger. Deprivation of the right to development led to deprivation of other basic rights. In response to the food crisis, Malaysia had initiated measures to increase its food supplies through greater investment in agricultural infrastructure, pest and disease control, high-quality seeds and other agricultural inputs.

33. **Mr. Salgueiro** (Portugal) noted that, in resolution 8/2, the Human Rights Council recommended the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which would establish a communications procedure for cases of alleged violations of economic, social and cultural rights. Many Member States viewed the Optional Protocol as a very important mechanism

because it would ensure that economic, social and cultural rights were treated with the same emphasis as civil and political rights. Although some States were not in a position to become parties to the instrument, his delegation hoped that such differences would not prevent the draft resolution recommended by the Council from being adopted by consensus.

34. **Mr. Guo** Jiakun (China) said that it was the expectation of Member States that the Human Rights Council and its main mechanisms would function in a fair and effective manner. His delegation hoped that the Council would engage in dialogue with full respect for different views and would avoid the errors committed by the Commission on Human Rights. The Council must adhere to the principle of harmonious and inclusive cooperation and avoid politicization and double standards. Above all, it must promote the inclusive coexistence of different conceptions of human rights with a view to advancing the cause of human rights in all countries.

35. As a member of the Council, China attached great importance to the promotion and protection of human rights at the national level. It had contributed to the work of the Council and had promoted international dialogue and cooperation in the field of human rights. The Government of China would continue to adhere to the spirit and objectives of the Declaration and would work with other Member States towards that overall goal.

36. **Mr. Hagen** (United States of America) said that his Government's concerns about the Council had become even more pronounced over the past year. The Council's numerous actions during the reporting period had been contrary to its mandate; its positive actions had been outweighed by its negative actions and inaction. That situation eroded the Organization's pre-eminent role in promoting the equal and inalienable rights of all persons. The Council had continued to take frequent, disproportionate and biased actions against Israel. Furthermore, his Government was deeply disappointed at the Council's treatment of the freedoms of expression and religion, actions which were entirely inconsistent with the Universal Declaration and the Charter. Some of the Council's resolutions could be interpreted in such a way as to justify restrictions on those very freedoms.

37. His delegation was also disappointed by the Council's decision to weaken its involvement in the human rights crisis in Darfur, and its continued inaction in the deplorable human rights situations in Zimbabwe, Cuba, the Islamic Republic of Iran, the Syrian Arab Republic and the Democratic People's Republic of Korea. The elimination of the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo represented another disturbing failure by the Council to use all the available instruments to protect human rights. His delegation also regretted the limits imposed on the accreditation and participation of non-governmental organizations in the country discussions in the context of the universal periodic review, because civil society had a crucial role to play in protecting human rights.

38. His delegation remained committed to working with the General Assembly and the Council in the future, but believed that the victims of human rights violations deserved better than what the Council had delivered during the reporting period. When he had addressed the Assembly in October 2008, President Bush had urged all Member States to work together immediately to reform the Council. The Assembly and particularly the Third Committee had a mandate to review the Council no later than 2011. His delegation called on all Member States to join in building a Council that took seriously its mandate to protect and not erode universal human rights.

39. **Mr. Fueyo-Bros** (Spain) said that his delegation welcomed the report of the Council and supported the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Its adoption would help prevent the fragmented approach taken towards economic, social and cultural rights and would have a positive effect on States parties to the Covenant. In practice, the Optional Protocol would contribute to the prevention of human rights violations within countries and would offer protection to victims. His delegation hoped that the General Assembly would adopt the Optional Protocol in December 2008.

40. **Mr. Donoso** (Chile) said that, because of the profound ideological differences of the 1950s and 1960s, two separate Covenants had been drafted, fragmenting human rights into two categories. Yet civil and political rights could not be fully enjoyed unless economic, social and cultural rights were also protected. Thus, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights would help to preserve the universality and indivisibility of human rights. Chile had from the

outset supported the comprehensive approach set forth in article 2 of the Protocol, acting on the basis of the mandate contained in articles 3 and 5 of the Covenant.

41. Since the restoration of democracy in 1990, Chile had worked to combine political and institutional development with economic and social development, emphasizing social investment and a rights-based perspective.

42. *Ms. Seanedzu (Ghana), Vice-Chairman, took the Chair.*

43. **Mr. Toder** (Ukraine) said that his country's re-election to the Human Rights Council in May 2008 reflected its commitment to promoting that body's activities in a constructive and non-selective way. Ukraine had undergone the universal periodic review, and welcomed the introduction of such improved machinery. However, institution-building was a continuous process; the newly created Advisory Committee should provide research and studies to that end. Ukraine also welcomed the continuation of the special procedures, which represented a unique independent human rights mechanism. The country maintained a standing invitation to all special-procedures mandate-holders.

44. The Council should also act to develop prevention mechanisms, and take action where there was a threat of gross violations of human rights. It was essential for all States to strengthen their domestic human rights mechanisms.

45. **Mr. Amil** (Pakistan) said that, with the return of democracy, his country was acting with renewed vigour to promote human rights. Pakistan valued its membership of the Council, which was now in a position to create a new, transparent and cooperative human rights culture. Pakistan had been among the first countries to undergo the universal periodic review, and had found it a productive and rewarding experience. The work of the special-procedures mandate-holders was also constructive. The Council had been successful in its institution-building; a gigantic task of improvement lay ahead.

46. **Ms. Tomič** (Slovenia) said that the universal periodic review had thus far been successful. However, that process should not replace country-specific resolutions: the two ought to be complementary. Slovenia believed that a fully fledged Office of the President of the Human Rights Council should be established.

47. In view of the imperfect coordination between the United Nations Office in Geneva and Headquarters New York, it was doubtful whether annual reports allowed sufficient information exchange. It would be helpful for the President of the Council to give regular briefings to the President of the General Assembly and to other concerned agencies, such as perhaps the Peacebuilding Commission.

48. Slovenia supported the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, a long-overdue instrument that would bridge the work of the two Covenants in the spirit of the Universal Declaration of Human Rights.

49. **Mr. Attiya** (Egypt) said that the non-politicized and non-selective approach of the Human Rights Council had gone a long way towards overcoming previous obstacles. As a member of the Council, his country welcomed the progress made in establishing institutional frameworks, reviewing mandates and developing complaints mechanisms. But he stressed the need for increased integration among existing human rights mechanisms and also between national human rights institutions and the international community.

50. The universal periodic review should be applied equally to all States, and certain countries should not be allowed to act as the self-appointed guardians of human rights. The Security Council should not be used to politicize human rights and encroach on the General Assembly's and the Economic and Social Council's roles in overseeing the activities of the Human Rights Council. The latter's mandate should likewise not be infringed upon by country-specific resolutions, expansion of the authority of the Office of the High Commissioner for Human Rights or the posting of human rights monitoring officials as part of country-development programmes.

51. Early warning mechanisms should not be politicized, and States should cooperate with fact-finding missions, especially when it came to the situation of peoples under occupation or in conflict zones. He urged that sufficient funding should be provided for both the Council and the High Commissioner's Office. He also urged adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in order to put the right to development and freedom from discrimination on an equal footing with other rights and freedoms.

52. **Ms. Péan Mevs** (Haiti) welcomed the work of the current independent expert on the situation of human rights in her country, and looked forward to cooperating with his successor. In the wake of the tropical storms and hurricanes that had ravaged Haiti, the country relied on the support of the international community.

53. *Mr. Majoor (Netherlands) resumed the Chair.*

54. **Mr. Shalev-Schlosser** (Israel) welcomed the efforts of the President of the Human Rights Council to lead its deliberations in an objective manner. However, he wished to know what action had been undertaken or planned to ensure a balanced approach to all countries. Israel had been singled out by a specific item on the Council's agenda. He further asked when the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories would be reviewed, as was usual for all mandates, and as had been requested by the current mandate-holder. Lastly, he wished to know what was being done to ensure that the Durban Review Conference, to be held in Geneva in April 2009, would not serve as a platform for anti-Semitism or anti-Zionism.

Statements in exercise of the right of reply

55. **Mr. Saeed** (Sudan) said that the concerns mournfully voiced by the representative of the United States reflected his country's dismay and complete isolation. At the negotiations establishing the Council, none of its proposals had been accepted. Its delegation had been the only one to vote against recognizing the right to development, and the only one to oppose the establishment of the Council: the latter represented dialogue, whereas the United States recognized only the logic of force. In view of its own lamentable human rights record, it had not sought membership in the Council or submitted to the universal periodic review. African-Americans, Hispanic-Americans and Asian-Americans were subjected to racial discrimination, and United States citizens were placed under surveillance in the name of the so-called "war on terror".

56. The United States continued to do everything in its power, including exercising its veto, to oppose any criticism of Israel whatsoever. However, objectivity should not mean standing by while Palestinians were slaughtered and their right to self-determination denied. The Council would continue to take action on those areas, and the United States' dreams would remain unfulfilled.

57. The Sudan had cooperated with all concerned parties to address the crisis in Darfur and the conflict that had taken place in the southern Sudan. By the same token, the United States should grant international agencies access to the Guantánamo Bay detention centre, and should, moreover, close that facility.

58. **Mr. Amorós Núñez** (Cuba) said that the current dialogue should not be used to perpetuate the selective, hypocritical, baseless and politically motivated criticism that had marred the Commission on Human Rights. The United States was frustrated with the Human Rights Council because it hated and feared it, but could not control it. The world was changing; the United States should follow suit, and should show some humility.

59. In stark contrast with Cuba, the United States had not sought election to the Council. That was a sign of its cowardice: although a self-proclaimed champion of human rights, the United States was itself guilty of lies and violations. It had attacked another country on the basis of false allegations, causing tens of thousands of deaths. It had institutionalized torture, including "waterboarding", at Abu Ghraib prison and in secret detention centres elsewhere, not to mention the Guantánamo Bay torture centre, a Cuban territory which it illegally occupied.

60. **Mr. Rezvani** (Islamic Republic of Iran) said that the frustration of the United States in regard to the Human Rights Council was understandable. The United States did not wish to see the Human Rights Council functioning constructively and impartially and did not expect to be criticized by it. The United States had been excluded from membership in the Council by the international community because of its behaviour and policies. The Council should direct its attention to the human rights situation in the United States and to human rights violations committed by the United States around the world. In fact, it would be timely for the Council to hold a special session to consider the impact of United States human rights policies in various parts of the world.

The meeting rose at 5.35 p.m.